



Entered on Docket  
August 09, 2007

Hon. Linda B. Riegle  
United States Bankruptcy Judge

**LEWIS AND ROCA LLP**

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*Attorneys for USACM Liquidating Trust*

**UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NEVADA**

In re:  
USA COMMERCIAL MORTGAGE  
COMPANY,  
USA CAPITAL REALTY ADVISORS,  
LLC,  
USA CAPITAL DIVERSIFIED TRUST  
DEED FUND, LLC,  
USA CAPITAL FIRST TRUST DEED  
FUND, LLC,  
USA SECURITIES, LLC,  
Debtors.

Case No. BK-S-06-10725-LBR  
Case No. BK-S-06-10726-LBR  
Case No. BK-S-06-10727-LBR  
Case No. BK-S-06-10728-LBR  
Case No. BK-S-06-10729-LBR

**CHAPTER 11**

Jointly Administered Under Case No. BK-S-06-10725 LBR

Date: April 26, 2007  
Time: 9:30 a.m

**Affecting:**

☐ All Cases

**or Only:**

- ☒ USA Commercial Mortgage Company
- ☐ USA Capital Realty Advisors, LLC
- ☐ USA Capital Diversified Trust Deed Fund, LLC
- ☐ USA Capital First Trust Deed Fund, LLC
- ☐ USA Securities, LLC

**ORDER SUSTAINING SIXTH OMNIBUS OBJECTION  
OF THE USACM LIQUIDATING TRUST  
TO CERTAIN CLAIMS ASSERTING SECURED STATUS  
EXCEPT PROOF OF CLAIM NO. 10725-00589 FILED BY CURTIS F. CLARK**

The USACM Liquidating Trust (the “USACM Trust”) filed its Sixth Omnibus Objection to Claims Asserting Secured Status [DE 3143] (the “Objection”) on March 20, 2007. Appropriate notice of the Objection was given. Responses to the Objection were filed by the following party:

Letter dated April 2, 2007 from Curtis F. Clark [DE 3338] pertaining to Claim No. 10725-589; and unsigned document from Curtis F. Clark dated April 16, 2007 [DE 3631] pertaining to Claim No. 10725-589. Curtis F. Clark disapproved the form of order sent to him for approval/disapproval, previously submitted, but not signed by this Court. Counsel deleted Mr. Clark’s claim from the Exhibit to the Sixth Omnibus Objection attached to this Order. Counsel filed a motion for summary judgment as to this claim on July 30, 2007 [DE 4291].

No other responses were filed with this Court. The Objection came before the Court for hearing on April 26, 2007 at 9:30 a.m. Good cause appearing, it is

**ORDERED:**

- Sustaining the USACM Trust’s Sixth Omnibus Objection to Certain Claims Asserting Secured Status listed on Exhibit A attached (which does not include Mr. Clark);
- Reclassifying the Proofs of Claim listed on Exhibit A attached as general unsecured claims; and
- Reserving the right of any party in interest, including the USACM Trust, to further object to any and all claims listed on Exhibit A attached as unsecured claims or otherwise, whether or not the subject of this Objection.

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1 PREPARED AND SUBMITTED:

2 **LEWIS AND ROCA LLP**

3 By: /s/ RC (#0006593)

4 Susan M. Freeman

4 Rob Charles

5 *Attorneys for USACM Liquidating Trust*

6  
7 **CERTIFICATION OF COUNSEL PURSUANT TO LOCAL RULE 9021**

8 In accordance with Local Rule 9021, the undersigned certifies:

- 9 ☐ The Court waived the requirements of LR 9021.
- 10 ☐ I have delivered a copy of this proposed order to all attorneys and unrepresented  
11 parties who have appeared at the hearing regarding this matter and/or who filed  
12 a written objection and each has:
- 13 ☐ approved the form of this order;
- 14 ☐ waived the right to review the order;
- 15 ☐ failed to file and serve papers in accordance with LR 9021(c); and/or
- 16 ☐ failed to sign and return this proposed order within five (5) business days  
17 in accordance with LR 9021(b).
- 18 ☐ I have delivered a copy of this proposed order to all attorneys and unrepresented  
19 parties who appeared at the hearing regarding this matter and/or who filed a  
20 written objection and all have either approved the form of this order, waived the  
21 right to review the order, failed to file and serve papers in accordance with LR  
22 9021(c) and the following have disapproved the form of the order:
- 23 ☒ No opposition was filed to the motion by a party adversely affected by this order  
24 and no other party or counsel appeared at the hearing with respect to the relief  
25 granted by this order (none required).
- 26

22 **LEWIS AND ROCA LLP**

23 By: /s/ RC (#0006593)

24 Susan M. Freeman

24 Rob Charles

25 *Attorneys for USACM Liquidating Trust*

**6th Objection to Claims Asserting Secured Status - Reclassify as General Unsecured Claims**

<u>Claimant</u>	<u>Proof of Claim Number</u>	<u>Date Filed</u>	<u>Proof of Claim Amount</u>	<u>Proof of Claim Classification</u>
1 Chiappetta Trust Dated 4/1/03 C/O Pat And Joann Chiappetta Trustees 7043 Cinnamon Dr Sparks, NV 89436	10725-00158	8/14/2006	\$40,000.00	S U - Unknown amount
2 Chiappetta Trust Dated 4/1/03 C/O Pat And Joann Chiappetta Trustees 7043 Cinnamon Dr Sparks, NV 89436	10725-00159	8/14/2006	\$50,000.00	S U - Unknown
3 Chiappetta Trust Dated 4/1/03 C/O Pat And Joann Chiappetta Trustees 7043 Cinnamon Dr Sparks, NV 89436	10725-00160	8/14/2006	\$75,000.00	S U - Unknown amount
4 Chiappetta Trust Dated 4/1/03 C/O Pat And Joann Chiappetta Trustees 7043 Cinnamon Dr Sparks, NV 89436	10725-00161	8/14/2006	\$50,000.00	S U - Unknown amount
5 Chiappetta Trust Dated 4/1/03 C/O Pat And Joann Chiappetta Trustees 7043 Cinnamon Dr Sparks, NV 89436	10725-00162	8/14/2006	\$30,000.00	S U - Unknown amount
6 Chiappetta Trust Pat & Joanne Chiuppette Ttees 7043 Cinnamon Dr Sparks, NV 89436	10725-00157	8/14/2006	\$50,000.00	S U - Unknown amount
7 Chris J. Hammond & Tara M. Hammond 10145 Sw 151St. Place Beaverton, OR 97007	10725-00692	10/20/2006	\$12,241.80	S
8 Christine Miller Tee/C E Miller Revocable Trust Steve Miller 7527 E Pasaro Dr Scottsdale, AZ 85262	10725-02120	1/11/2007	\$50,000.00	S
9 Ciadella Living Trust C/O Stella P Ciadella Trustee 650 S Town Center Dr Apt 1114 Bldg 29 Las Vegas, NV 89144-4419	10725-01040	11/6/2006	\$250,000.00	S
10 Citicorp Vendor Finance Inc. P.O. Box 7247-0322 Philadelphia, PA 19170-0322	10725-00644	10/26/2006	\$12,019.12	S

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<b>12</b>	Clark, Donald 305 W Moana Ln Reno, NV 89509	10725-01042	11/6/2006	\$74,011.56	S
<b>13</b>	Clark, Harold 555 Twining Flats Rd Aspen, CO 81611	10725-00778	10/27/2006	\$54,329.00	S
<b>14</b>	Clawiter Associates LLC 1620 Colchester St Danville, CA 94506	10725-01437	11/14/2006	\$253,805.00	S, U
<b>15</b>	Clayton, Shane W & Jennifer C David A Colvin & Donna M Osborn Marquis & Aurbach 10001 Park Run Dr Las Vegas, NV 89145	10725-01861	1/8/2007	\$50,000.00	S
<b>16</b>	Clendening Family Trust John P & Doreen Clendening Ttees 1250 Davidson Way Reno, NV 89509-3141	10725-01025	11/6/2006	\$50,520.83	S
<b>17</b>	Clendening, John P & Doreen S 1250 Davidson Way Reno, NV 89509-3141	10725-01024	11/6/2006	\$65,671.67	S
<b>18</b>	Clifton, Helen 10812 Windrose Point Las Vegas, NV 89144	10725-00759	10/24/2006	\$27,473.00	S
<b>19</b>	Coffing, Terry 10001 Park Run Dr Las Vegas, Nv 89145-8857	10725-00234	9/26/2006	\$51,743.00	S, U
<b>20</b>	Cohan, George 2048 Foxfire Ct Henderson, NV 89012	10725-00531	10/10/2006	\$200,000.00	S
<b>21</b>	Cohen, Allen 12 Starbrook Dr Henderson, NV 89052	10725-01207	11/10/2006	\$100,411.00	S
<b>22</b>	Cohune, L Kanani 3530 Hackberry St Silver Springs, NV 89429	10725-01112	11/8/2006	\$51,617.88	S, U

<b>23</b>	Colagross, Curtis R & Terri L 16227 Pasquale Rd Nevada City, CA 95959	10728-00139	11-Dec-06	\$100,000.00	S
<b>24</b>	Colagross, Curtis 16227 Pasquale Rd Nevada City, CA 95959	10725-00416	10/3/2006	\$100,000.00	S
<b>25</b>	Colborn Ttees For, Larry E & Loretta A The Ecolborn Revocable Living Tr 1127 Broken Wagon Trail Dewey, Az 86327	10725-02190	1/12/2007	\$244,204.06	S,U
<b>26</b>	Coleman, Mary First Savings Bank Custodian 108 Low St Newburport, Ma 01950	10725-00308	9/29/2006	Blank	S
<b>27</b>	Coleman, Mary First Savings Bank Custodian 108 Low St Newburport, Ma 01950	10725-00309	9/29/2006	\$39,226.14	S
<b>28</b>	Colhouer, Raymond For The Benefit Of Gunner A Colhouer 4328 Threshold Ct North Las Vegas, NV 89032-1143	10725-01382	11/13/2006	\$50,000.00	S
<b>29</b>	Collins Family Trust Dated 1/29/93 Shirley M Collins Trustee 1975 Showberry Ct Carlsbad, CA 92009	10725-02038	1/11/2007	\$880,190.74	S, U
<b>30</b>	Collins, Shirley 1975 Snowberry Ct Carlsbad, Ca 92009	10725-01798	12/18/2006	\$27,473.39	S
<b>31</b>	Colt Gateway LLC Homes for America Holdings 86 Main St. Second Fl Yonkers, NY 10701-2738	10725-01313	11/13/2006	\$15,195,931.00	S, U
<b>32</b>	Cook Jt Ten, Aldon G & Deedra 1435 E Venice Ave #261 Venice, FL 34292	10725-02173	1/12/2007	\$142,790.06	S, U
<b>33</b>	Copple, Lois 3660 Grand Ave Des Moines, IA 50312	10725-00425	10/4/2006	\$50,000.00	S

<b>34</b>	Corison, James Po Box 21214 Riverside, CA 92516	10725-00092	8/9/2006	\$1,023,000.00	S
<b>35</b>	Costa, Rose M 101 San Carlos Ave Sausalito, CA 94965-2018	10725-01103	11/8/2006	\$50,000.00	U, S
<b>36</b>	Costanza 1987 Decedent`S Trust C/O Sam Costanza Trustee 9809 Canterbury Rose Ln Las Vegas, NV 89134-5913	10725-01808	12/21/2006	\$575,000.00	S
<b>37</b>	Costanza, Sam 9809 Canterbury Rose Ln Las Vegas, NV 89134	10725-01809	12/21/2006	\$405,500.00	S
<b>38</b>	Cowan, Melanie 10794 Grande Palladium Way Boynton Beach, FL 33436	10725-00212	8/24/2006	\$100,000.00	S
<b>39</b>	Cowman, Robert A & Sandra L 1525 Winterwood Ave Sparks, NV 89434-6730	10725-01725	12/11/2006	\$162,950.00	S
<b>40</b>	Coxey Living Trust Dtd 12/3/98 1945 Hidden Meadows Dr Reno, NV 89502	10725-00150	8/14/2006	\$252,519.44	S
<b>41</b>	Coxey Living Trust Kenneth D & Valerie Coxey Trustee 1945 Hidden Meadows Dr Reno, NV 89502-8762	10725-02199	1/10/2007	\$50,733.30	S
<b>42</b>	Coxey Living Trust Kenneth D & Valerie Coxey Ttees 1945 Hidden Meadows Dr Reno, NV 89502-8762	10725-02229	1/10/2007	\$101,688.88	S
<b>43</b>	Craig Family Trust Dtd 8/10/00 Howard L & Frankye D Craig Ttees 1735 Caughliin Creek Rd Reno, NV 89519	10725-01728	12/11/2006	\$200,000.00	S
<b>44</b>	Craig Family Trust Dtd 8/10/00 Howard L Craig Trustee 1735 Caughlin Creek Rd Reno, NV 89519	10725-01729	12/11/2006	\$100,000.00	S
<b>45</b>	Craig Zager Sep IRA Po Box 10051 Zephyr Cove, NV 89448-2051	10728-00132	11/16/2006	\$ 65,000.00	S

<b>46</b>	Creating Moving Experiences 503 Kiel St. Henderson, NV 89015-4729	10725-00641	10/19/2006	\$100,000.00	S
<b>47</b>	Crittenden, Joan M Po Box 2577 Olympic Valley, CA 96146-2577	10725-01203	11/10/2006	\$73,241.93	S
<b>48</b>	Cruise, Richard & Margaret 8021 Divernon Ave Las Vegas, NV 89149-4942	10725-00381	10/2/2006	\$2,702.18	S
<b>49</b>	Cunningham IRA, Charles D C/O First Trust Co Of Onaga Cust 1964 Oliver Springs St Henderson, NV 89052-8502	10725-00555	10/12/2006	\$28,389.17	S
<b>50</b>	Cunningham, Charles D & Susan M 1964 Oliver Springs St Henderson, NV 89052-8502	10725-00554	10/12/2006	\$80,000.00	S